

ASP-C - Divulguation en vertu de la loi sur l'accès à l'information

Cowman, Kathryn

From: Johnston, PatriciaA
Sent: January 8, 2013 01:25 PM
To: DesJardins, Veronique
Cc: Ross, Ryan
Subject: FW:

Patricia Johnston
Legal Counsel
Canada Border Services Agency
613-954-7208

From: Johnston, PatriciaA
Sent: January 8, 2013 1:23 PM
To: 'Wilding, Kareena'; Samson, Neal
Cc: Ross, Ryan; Bayley, Deborah (DFAIT); Yurka, Dale; Markowitz, Emma (DFAIT)
Subject: RE:

Patricia Johnston
Legal Counsel
Canada Border Services Agency
613-954-7208

From: Wilding, Kareena [<mailto:Kareena.Wilding@justice.gc.ca>]
Sent: January 8, 2013 11:41 AM
To: Samson, Neal; Johnston, PatriciaA
Cc: Ross, Ryan; Bayley, Deborah (DFAIT); Yurka, Dale; Markowitz, Emma (DFAIT)
Subject: RE:

Privileged (solicitor client)

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

From: Emma.Markowitz@international.gc.ca [<mailto:Emma.Markowitz@international.gc.ca>]
Sent: January 7, 2013 1:46 PM

To: Samson, Neal; Patricia.Johnston2@cbsa-asfc.gc.ca
Cc: Ross, Ryan; Bayley, Deborah (DFAIT); Wilding, Kareena; Yurka, Dale
Subject: RE:

E.

From: Samson, Neal [<mailto:Neal.Samson@justice.gc.ca>]
Sent: January 7, 2013 1:38 PM
To: 'Johnston, PatriciaA'
Cc: Markowitz, Emma -JUS; Ross, Ryan; Bayley, Deborah -JUS; Wilding, Kareena; Yurka, Dale
Subject: RE:

Hi Patricia,

Neal

From: Johnston, PatriciaA [<mailto:Patricia.Johnston2@cbsa-asfc.gc.ca>]
Sent: 2013-Jan-07 1:27 PM
To: Samson, Neal
Cc: Markowitz, Emma (DFAIT); Ross, Ryan; Bayley, Deborah (DFAIT); Wilding, Kareena; Yurka, Dale
Subject: RE:

DO NOT DISCLOSE - LITIGATION AND/OR SOLICITOR CLIENT PRIVILEGE

--PROTECTED B--

Exempt from disclosure under the *Access to Information Act* and *Privacy Act*

Patricia Johnston
Department of Justice
Legal Counsel to Canada Border Services Agency
191 Laurier Ave West

Ottawa, ON K1A 0L8
tel: 613-954-7208

From: Deborah.Bayley@international.gc.ca [<mailto:Deborah.Bayley@international.gc.ca>]
Sent: January 3, 2013 2:49 PM
To: Kareena.Wilding@justice.gc.ca; Dale.Yurka@justice.gc.ca
Cc: Emma.Markowitz@international.gc.ca; Neal.Samson@justice.gc.ca; Ryan.Ross@justice.gc.ca; Johnston, PatriciaA
Subject: RE:

Best,
Deborah Bayley
Counsel | Avocate
Department of Justice | Ministère de la Justice
DFAIT Legal Services Unit | Unité des services juridiques MAECI
deborah.bayley@international.gc.ca
Tel. 613 944 5772
Fax. 613 992 6485
125 Sussex Drive, C7-205
Ottawa ON K1A 0G2
Government of Canada | Gouvernement du Canada

From: Wilding, Kareena [<mailto:Kareena.Wilding@justice.gc.ca>]
Sent: January 3, 2013 2:43 PM
To: Bayley, Deborah -JUS; Yurka, Dale
Cc: Markowitz, Emma -JUS; Samson, Neal; Ross, Ryan; Johnston, PatriciaA
Subject: RE:

Privileged (Solicitor Client / Litigation)

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

From: Deborah.Bayley@international.gc.ca [<mailto:Deborah.Bayley@international.gc.ca>]
Sent: January 2, 2013 2:03 PM
To: Wilding, Kareena; Yurka, Dale
Cc: Markowitz, Emma (DFAIT)
Subject:
Solicitor Client Privilege / PROTECTED
Hello Kareena and Dale,

Best Regards,
Deborah Bayley
Counsel | Avocate
Department of Justice | Ministère de la Justice
DFAIT Legal Services Unit | Unité des services juridiques MAECI

deborah.bayley@international.gc.ca

Tel. 613 944 5772

Fax. 613 992 6485

125 Sussex Drive, C7-205

Ottawa ON K1A 0G2

Government of Canada | Gouvernement du Canada

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Secret professionnel de l'avocat/Protégé

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Foreign Affairs and
International Trade Canada

Affaires étrangères et
Commerce international Canada

Canada

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: January 11, 2013 10:01 AM
To: Bayley, Deborah (DFAIT); DesJardins, Veronique; Ross, Ryan; Pronovost.Melanie; Stevens, Eric (CIC); Samson, Neal; Johnston, PatriciaA; Chan, Judy (RCMP); Kilfoil, Christine (RCMP)
Cc: Yurka, Dale; Bourke, Andrea; * Toronto - Immigration Tursunbayev
Subject:
Attachments: 11888822.pdf

Privileged

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

From: Goodyear, Larissa
Sent: January 11, 2013 9:32 AM
To: * Toronto - Immigration
Subject: TURSUNBAYEV

<<11888822.pdf>>

Thank you,

Larissa

Federal Court



Cour fédérale

Date: 20130110

Docket: IMM-2220-12
IMM-2223-12
IMM-2224-12
IMM-2226-12

Ottawa, Ontario, January 10, 2013

PRESENT: The Honourable Mr. Justice Russell

BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS

and

Respondent

IMM-6259-12

RUSTEM TURSUNBAYEV

Applicant

and

THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS,
THE MINISTER OF CITIZENSHIP
AND IMMIGRATION

and

Respondents

T-1911-12

RUSTEM TURSUNBAYEV

Applicant

and

ATTORNEY GENERAL OF CANADA
MINISTER OF FINANCE
MINISTER OF FOREIGN AFFAIRS
THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION

Respondents

DIRECTION

To all counsel:

Further to your respective letters of January 7 and January 8, 2013, it looks as though we should set down the week of March 4, 2013 to hear all of the identified motions. I will proceed to do that.

As regards Mr. Waldman's inquiry about the new motion related to Mr. Bond, can this matter be dealt with in the same week but either prior to, or in conjunction with, the motion for production, as suggested by Ms. Wilding? If not, how quickly can both sides serve and file their materials and be ready to hear this matter?

"James Russell"

Judge

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: January 11, 2013 11:18 AM
To: DesJardins, Veronique; Johnston, PatriciaA; Ross, Ryan
Cc: Bayley, Deborah (DFAIT); Yurka, Dale
Subject:
Attachments: FYI on High Profile Case

Privileged (solicitor client)

Document protected by solicitor-client privilege: Do not disclose/ Document protégé par le privilège du secret professionnel de l'avocat : ne divulguez pas

Kareena R. Wilding
Counsel/Avocate
Immigration Law Division / Division du droit de l'immigration
Department of Justice Canada / Ministère de la Justice du Canada

Ontario Regional Office / Bureau régional de l'Ontario
130 King Street West, Suite 1900, Box 36 | 130, rue King Ouest, Pièce 1900, C.P. 36
Toronto, Ontario M5X 1K6
Government of Canada / Gouvernement du Canada
Tel./tél: (416) 952-6812
Fax /téléc: (416) 954-8982
kareena.wilding@justice.gc.ca

Cowman, Kathryn

From: Bond, Mark -MOSCO -IM <Mark.Bond@international.gc.ca>
Sent: March 6, 2012 07:29 AM
To: Sigurdson, Kathleen -MOSCO -IM; Millar, Stephen -ASTNA -HOM/CDM
Subject: FYI on High Profile Case

Follow Up Flag: Follow up
Flag Status: Flagged

Mark Bond

Second Secretary | Deuxieme Secrétaire
Liaison Officer - Canada Border Services Agency (CBSA)
Agent de liaison - Agence des services frontaliers du Canada (ASFC)
Embassy of Canada | Ambassade du Canada
23 Starokonyushenny Pereulok
Moscow, Russia 119002
Tel. (7-495) 925-6047
Fax (7-495) 925-6090
Mitnet
Mobile
mark.bond@international.gc.ca
www.canadianembassy.ru
www.cbsa.gc.ca
www.cic.gc.ca

Cowman, Kathryn

From: Deborah.Bayley@international.gc.ca
Sent: January 11, 2013 04:29 PM
To: Kareena.Wilding@justice.gc.ca; DesJardins, Veronique; Ryan.Ross@justice.gc.ca; Melanie.Pronovost@cic.gc.ca; Eric.Stevens@cic.gc.ca; Neal.Samson@justice.gc.ca; Johnston, PatriciaA; judy.chan@rcmp-grc.gc.ca; christine.kilfoil@rcmp-grc.gc.ca
Cc: Dale.Yurka@justice.gc.ca; Andrea.Bourke@justice.gc.ca; torimmtu@justice.gc.ca
Subject: RE:

Hello Kareena,

Best Regards,

Deborah Bayley
Counsel | Avocate
Department of Justice | Ministère de la Justice
DFAIT Legal Services Unit | Unité des services juridiques MAECI
deborah.bayley@international.gc.ca
Tel. 613 944 5772
Fax. 613 992 6485
125 Sussex Drive, C7-205
Ottawa ON K1A 0G2
Government of Canada | Gouvernement du Canada

From: Wilding, Kareena [mailto:Kareena.Wilding@justice.gc.ca]
Sent: January 11, 2013 10:01 AM
To: Bayley, Deborah -JUS; Veronique.DesJardins@cbsa-asfc.gc.ca; Ross, Ryan; Pronovost.Melanie; Stevens, Eric (CIC); Samson, Neal; Johnston, PatriciaA; Chan, Judy (RCMP); Kilfoil, Christine (RCMP)
Cc: Yurka, Dale; Bourke, Andrea; * Toronto - Immigration Tursunbayev
Subject:

Privileged

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

From: Goodyear, Larissa
Sent: January 11, 2013 9:32 AM
To: * Toronto - Immigration Tursunbayev
Subject: TURSUNBAYEV

<<11888822.pdf>>

Please find attached the direction to set down hearing week of Mar. 4/13 and regarding whether Mr. Bond's issue can be dealt with in the same week.

Thank you,

Larissa

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: January 28, 2013 02:44 PM
To: Ross, Ryan; Bayley, Deborah (DFAIT)
Cc: Johnston, PatriciaA; DesJardins, Veronique; * Toronto - Immigration Tursunbayev; Yurka, Dale
Subject:

Attachments: 2012 Kazakhstan Human Rights Report - redacted.pdf; 11950505.docx

Privileged (solicitor client)

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: February 4, 2013 03:55 PM
To: DesJardins, Veronique; Pronovost.Melanie
Cc: Stevens, Eric (CIC); Todd, James; Yurka, Dale; Prescott, D. Mark; Bayley, Deborah (DFAIT); Johnston, PatriciaA; Ross, Ryan
Subject:
Attachments: Document.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

Privileged (Solicitor Client / Legal Advice)

Veronique / Melanie:

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

-----Original Message-----

From: Sergi, Vincenzo
Sent: February 4, 2013 3:11 PM
To: * Toronto - Immigration Tursunbayev
Subject:

Cowman, Kathryn

From: Deborah.Bayley@international.gc.ca
Sent: February 4, 2013 04:01 PM
To: Kareena.Wilding@justice.gc.ca; DesJardins, Veronique; Melanie.Pronovost@cic.gc.ca
Cc: Eric.Stevens@cic.gc.ca; James.Todd@justice.gc.ca; Dale.Yurka@justice.gc.ca;
Mark.Prescott@justice.gc.ca; Johnston, PatriciaA; Ryan.Ross@justice.gc.ca;
Emma.Markowitz@international.gc.ca
Subject: RE:

Deborah Bayley
Counsel | Avocate
Department of Justice | Ministère de la Justice
DFAIT Legal Services Unit | Unité des services juridiques MAECI
deborah.bayley@international.gc.ca
Tel. 613 944 5772
Fax. 613 992 6485
125 Sussex Drive, C7-205
Ottawa ON K1A 0G2
Government of Canada | Gouvernement du Canada

-----Original Message-----

From: Wilding, Kareena [mailto:Kareena.Wilding@justice.gc.ca]
Sent: February 4, 2013 3:55 PM
To: DesJardins, Veronique; Pronovost, Melanie
Cc: Stevens, Eric (CIC); Todd, James; Yurka, Dale; Prescott, D. Mark; Bayley, Deborah -JUS; Johnston, PatriciaA; Ross, Ryan
Subject:
Importance: High

Privileged (Solicitor Client / Legal Advice)

Veronique / Melanie:

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

-----Original Message-----

From: Sergi, Vincenzo
Sent: February 4, 2013 3:11 PM
To: * Toronto - Immigration Tursunbayev
Subject:

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: February 14, 2013 02:12 PM
To: DesJardins, Veronique; Bayley, Deborah (DFAIT); Johnston, PatriciaA
Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale
Subject:

Attachments: 12021541.docx

Follow Up Flag: Follow up
Flag Status: Completed

Privileged (solicitor client)

Thank you.

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

IMM-6259-12

FEDERAL COURT

BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

- and -

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION; THE MINISTER OF PUBLIC
SAFETY AND EMERGENCY
PREPAREDNESS**

Respondents

**RESPONDENT'S MEMORANDUM
OF ARGUMENT**

William F. Pentney
Deputy Attorney General of Canada
Per: Kareena R. Wilding
Department of Justice
The Exchange Tower
130 King Street West
Suite 3400, Box 36
Toronto, Ontario
M5X 1K6

Tel: (416) 952-6812
Fax: (416) 954-8982
File: 14-613430

Solicitor for the Respondent

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: February 20, 2013 12:54 PM
To: Bayley, Deborah (DFAIT); DesJardins, Veronique; Johnston, PatriciaA
Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
Subject:

Privileged (solicitor client)

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

From: Deborah.Bayley@international.gc.ca [mailto:Deborah.Bayley@international.gc.ca]
Sent: February 15, 2013 12:42 PM
To: Wilding, Kareena; Veronique.DesJardins@cbsa-asfc.gc.ca; Patricia.Johnston2@cbsa-asfc.gc.ca
Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
Subject: RE:

Hi Kareena,

Best,

Deborah Bayley
Counsel | Avocate
Department of Justice | Ministère de la Justice
DFAIT Legal Services Unit | Unité des services juridiques MAECI
deborah.bayley@international.gc.ca
Tel. 613 944 5772
Fax. 613 992 6485
125 Sussex Drive, C7-205
Ottawa ON K1A 0G2
Government of Canada | Gouvernement du Canada

From: Wilding, Kareena [mailto:Kareena.Wilding@justice.gc.ca]
Sent: February 14, 2013 2:12 PM
To: DesJardins, Veronique; Bayley, Deborah -JUS; Johnston, PatriciaA
Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale
Subject:

Privileged (solicitor client)

Thank you.

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

Cowman, Kathryn

From: Johnston, PatriciaA
Sent: February 20, 2013 02:21 PM
To: 'Wilding, Kareena'; Bayley, Deborah (DFAIT); DesJardins, Veronique
Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
Subject:

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--PROTECTED B--

Exempt from disclosure under the *Access to Information Act* and *Privacy Act*

Patricia Johnston
Department of Justice
Legal Counsel to Canada Border Services Agency
191 Laurier Ave West
Ottawa, ON K1A 0L8
tel: 613-954-7208

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Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
Subject: RE:

Privileged (solicitor client)

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

From: Deborah.Bayley@international.gc.ca [mailto:Deborah.Bayley@international.gc.ca]
Sent: February 15, 2013 12:42 PM
To: Wilding, Kareena; Veronique.DesJardins@cbsa-asfc.gc.ca; Patricia.Johnston2@cbsa-asfc.gc.ca

Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)

Subject: RE:

Hi Kareena,

Best,

Deborah Bayley

Counsel | Avocate

Department of Justice | Ministère de la Justice

DFAIT Legal Services Unit | Unité des services juridiques MAECI

deborah.bayley@international.gc.ca

Tel. 613 944 5772

Fax. 613 992 6485

125 Sussex Drive, C7-205

Ottawa ON K1A 0G2

Government of Canada | Gouvernement du Canada

From: Wilding, Kareena [<mailto:Kareena.Wilding@justice.gc.ca>]

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To: DesJardins, Veronique; Bayley, Deborah -JUS; Johnston, PatriciaA

Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale

Subject:

Privileged (solicitor client)

Thank you.

Kareena R. Wilding, Counsel

Immigration Law Division

Department of Justice

Tel./fax: (416) 952-6812/954-8982

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: February 20, 2013 03:15 PM
To: Bayley, Deborah (DFAIT)
Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT); DesJardins, Veronique; Johnston, PatriciaA
Subject:
Attachments: Document.pdf

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

From: Johnston, PatriciaA [mailto:Patricia.Johnston2@cbsa-asfc.gc.ca]
Sent: February 20, 2013 2:21 PM
To: Wilding, Kareena; Bayley, Deborah (DFAIT); DesJardins, Veronique
Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
Subject: RE:

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Patricia Johnston
Department of Justice
Legal Counsel to Canada Border Services Agency
191 Laurier Ave West
Ottawa, ON K1A 0L8
tel: 613-954-7208

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Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
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Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
Subject: RE:

Hi Kareena,

Best,

Deborah Bayley
Counsel | Avocate
Department of Justice | Ministère de la Justice
DFAIT Legal Services Unit | Unité des services juridiques MAECI
deborah.bayley@international.gc.ca
Tel. 613 944 5772
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Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale
Subject:

Privileged (solicitor client)

Thank you.

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

Cowman, Kathryn

From: Deborah.Bayley@international.gc.ca
Sent: February 21, 2013 01:09 PM
To: Kareena.Wilding@justice.gc.ca
Cc: Ryan.Ross@justice.gc.ca; torimmtu@justice.gc.ca; Dale.Yurka@justice.gc.ca; Emma.Markowitz@international.gc.ca; DesJardins, Veronique; Johnston, PatriciaA
Subject:

Attachments: ATIP release - Kazak HR Reports.pdf

Thank you for this, Kareena.

As an FYI for all those involved in all of the Tursunbayev litigation -- please find attached an ATIP disclosure package that DFAIT is about to release. The ATIP request was for: **A copy of all DFAIT annual human rights reports pertaining to Kazakhstan.**

Best Regards,

Deborah Bayley
Counsel | Avocate
Department of Justice | Ministère de la Justice
DFAIT Legal Services Unit | Unité des services juridiques MAECI
deborah.bayley@international.gc.ca
Tel. 613 944 5772
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To: Bayley, Deborah -JUS
Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma -JUS; DesJardins, Veronique; Johnston, PatriciaA
Subject: RE:

Thank you Patricia.

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

From: Johnston, PatriciaA [mailto:Patricia.Johnston2@cbsa-asfc.gc.ca]
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Subject: RE:

Patricia Johnston
Department of Justice
Legal Counsel to Canada Border Services Agency
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tel: 613-954-7208

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Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
Subject: RE:

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Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale; Markowitz, Emma (DFAIT)
Subject: RE:

Hi Kareena,

Best,

Deborah Bayley

Counsel | Avocate

Department of Justice | Ministère de la Justice

DFAIT Legal Services Unit | Unité des services juridiques MAECI

deborah.bayley@international.gc.ca

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Fax. 613 992 6485

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Ottawa ON K1A 0G2

Government of Canada | Gouvernement du Canada

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Sent: February 14, 2013 2:12 PM

To: DesJardins, Veronique; Bayley, Deborah -JUS; Johnston, PatriciaA

Cc: Ross, Ryan; * Toronto - Immigration Tursunbayev; Yurka, Dale

Subject:

Privileged (solicitor/client)

Thank you.

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Annual Human Rights Report (Short): Kazakhstan**Legal Directive and Period of Coverage**

1. This report is the property of the Department of Foreign Affairs and International Trade. It may not be released to others or shared in any way with third parties without the express authorisation of the Human Rights and Governance Policy Division, Department of Foreign Affairs and International Trade. This report covers the period from April 1, 2011 to March 29, 2012. This report was completed on March 29, 2012. (U)

Overview

2. **Basic Freedoms:** In Kazakhstan is one where basic freedoms are being undermined, opposition politicians, activists and media are being harassed and corruption is an on-going problem. A Kazakhstan Bureau for Human Rights report, released with the National Democratic Institute, points out that public protests are growing, particularly in western parts of the country over economic and social issues. However, apart from an outlier year in 2010 where Kazakhstan held the Chairmanship of the Organisation for Security and Cooperation in Europe (OSCE), authorities have worked to limit open political, economic and social criticism. These efforts have increased after the violent protests in western Kazakhstan in December 2011. Kazakhstan is a big country and pockets of protest - labour in the west, pensions in the north, politics in Almaty - are small in scale, well-policed (according to the Kazakhstan Bureau of Human Rights, in some cases police outnumber protesters 3 to 1). (U)

3. **Violent Response to Protest:** During Kazakhstan's 20th anniversary of independence celebrations, violent protests broke out in the western Kazakhstani city of Zhanaozen. Authorities opened fire on the rioters/protesters. After this tragic event the government moved to address some of the concerns of the protesters, who had been striking workers. (U)

4. **Legal concerns:** Incitement of social unrest. There are two main legal documents that rule on this crime: Articles 164 and 170 of the Criminal Code of Kazakhstan and Article 6 of the Law of the National Security of the Republic of Kazakhstan. Article 164 criminalises incitement of social unrest, namely actively promoting inter-group violence and Article 170 criminalises calling for a violent overthrow or change of the constitutional system and forcibly breaking the territorial integrity of Kazakhstan by using the media. However, the Criminal Code is a relative old legal document that is more specific on what constitutes a crime and a threat. By contrast, Article 6 of the new law is characterizing a wide range of activities as threats to national security including negative information from international entities (including the UN and OSCE), shoddy imports and loss of historical artifacts to name only three of dozens. Punishment for these violations is not well established and it is unclear how the laws will be applied and how punishment will be administered. (U)

5. **Freedom of Assembly:** The laws governing freedom of assembly are quite liberal, as 91 percent of all assemblies are unsanctioned and those that are sanctioned are relocated significantly outside cities, according to Freedom House and the Kazakhstan Bureau for Human Rights, which released the information in a public report with the National Democratic Institute. The remaining 9 percent were pro-government rallies or apolitical commemoration events. In spite of the restrictive law, rallies were broken up roughly 10 percent of the time, an improvement from 2010 where every other assembly was stopped. The trade off is a significant increase in police presence at these events which nationally see a ratio of one security force member for three rally participants. (U)

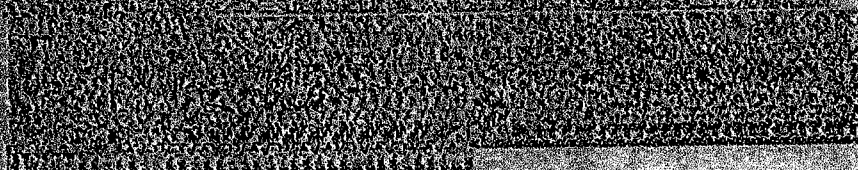
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6. **New Religion Law:** In May 2011, the Government of Kazakhstan passed a new law on religious association. In short, the law requires all religious groups to register, limits the dissemination of religious material and heavily regulates missionary activity. Registration requires certain numbers to register at the local, oblast (province) and national level. A group registered at the local level cannot publically worship in another region in which it has not registered. Small groups (smaller than 50) have been told they cannot publically worship. At this point it is unclear how the law will be applied and the Committee for Religious Affairs has not been forthcoming with registration procedures. It seems that this law is being applied most strictly to new, Protestant groups and Islamic groups not associated with the Sunni Hanafi School. (U)

7. **Media:** On 22 February, the Prosecutor General stated that any information disseminated on Zhannosen that did not first have approval from his office was libelous.

Also, in late 2011, the Government of Kazakhstan passed a new and restrictive law on the media. (C)

8. **Amnesty and Rule of law:** Amnesties have been positive for a few key human rights defenders and opposition activists. Periodic amnesties over the past two decades have seen the release of numerous people.



9. **Elections:** According to the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) recent (April 2011) and parliamentary elections (January 2012) fell short of international standards. In response to these reports, gave a signal that international observers would be invited. According to Radio Free Europe/Radio Liberty a number of people, including key opposition leaders, have been arrested for organising and attending demonstrations against the government and the elections. (U)

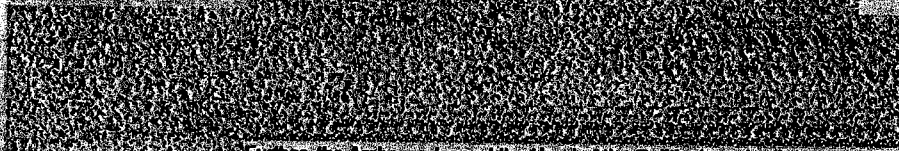
10. **Economic, Social and Cultural Conditions:** Regionally Kazakhstan is rich and its Soviet educational and medical institutions have not collapsed. However, International Crisis Group notes that in some areas Kazakhstan is improving significantly in these areas but access is not equal between rich and poor and urban and rural. Pensions are paid in Kazakhstan, but these are insufficient and there have been increasing protests over this issue. Working conditions for many are poor and in some cases, especially in the construction industry, Kazakhstan is increasingly a destination for illegal trafficked workers, particularly given its fast economic growth. Treatment can be negative and include theft of passports and sub-standard pay. Kazakhstan's record on its management of ethnic diversity has been positive, although there is an increasing popular movement to limit the use of languages other than Kazakh. So far the government has resisted these popular movements. (U)

11. **Equality and Discrimination:** Legally, Kazakhstan has a strong record in this regard. However, in practice, there is discrimination against women and ethnic-Kazakhs have political, social and economic advantages not shared by ethnic minorities. Homosexuality is not criminalised, but public attitudes are not accepting. However, cases of violence based on sexual orientation are rare. (U)

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Canadian Representations and Policy

12. National Initiatives:

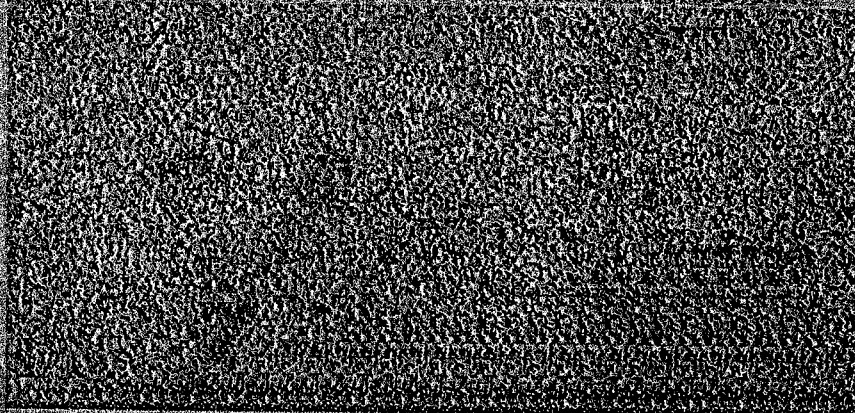


Further, the Ambassador and the Head of the Political section have been active in their outreach programmes to engage NGOs and religious groups. The Canada Fund for Local Initiatives has been used to strengthen local institutions that promote housing and women's rights. (U)

13. Multilateral Initiatives: The Canadian Delegation to the OSCE, in cooperation with the Canadian Embassy in Kazakhstan, has made a number of interventions in the OSCE's Permanent Council. These have included statements on human rights defenders, elections and the freedom of religion in Kazakhstan. (U)

Recommendations for Future Actions

14. Human Rights:



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**ANNUAL HUMAN RIGHTS REPORT - THE REPUBLIC OF KAZAKHSTAN
2009-2010**

I. SUMMARY:

1. The Republic of Kazakhstan (hereafter referred to as Kazakhstan) is a comparatively stable and prosperous country in a troubled region. As a renewed "Great Game" unfolds in Central Asia, Kazakhstan is attempting to become a player in its own right, balancing the overtures of Russia, China, the European Union and the US, while avoiding the factionalism and fundamentalism that threaten other countries in the area. Since its independence in 1991, Kazakhstan has made some progress towards democratic pluralism and has achieved mixed results in the area of human rights. The country is moving forward in a deliberately-paced transition to democracy and a free market economy. Kazakhstan's chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2010 will focus greater attention on human rights within the country. Its resources, stability and relative openness to the world have attracted significant foreign investment, resulting in steady economic expansion and an increased standard of living for its population. (UNCLASSIFIED)

2. Human Rights NGOs such as Human Rights Watch, Freedom House and Amnesty International, as well as domestic and international observers, criticised Kazakhstan for its numerous failings in the area of human rights in 2009. There were high profile cases that highlighted the limited freedom of the press in the country, including arrests that resulted in criminal and administrative proceedings. Religious freedoms for minority non-traditional religious groups continue to be challenged. The lack of an independent judiciary does not guarantee access to a fair trial, which was highlighted by the conviction and sentencing of prominent human rights activist Evgenyi Zhovtis, amidst allegations of procedural irregularities. Other restrictions of civil and political freedoms also exist, including the brutal treatment of detainees by law enforcement officials and limitations to political freedoms. Problems associated with equality and discrimination are also present. Comprehensive reports on the human rights situation in Kazakhstan can be found at the following websites: (1) Human Rights Watch - www.hrw.org/europecentral-asia/kazakhstan; (2) Amnesty International - www.amnesty.org/en/region/Kazakhstan; and Freedom House - www.freedomhouse.org. (UNCLASSIFIED)

3. Many international observers, including Canada, the UNDP, the US, UK and several European countries recognized several notable positive human rights development in Kazakhstan in 2009. The Kazakh Government took several steps to improve the country's human rights situation in the run-up to its assumption of the chairmanship of the OSCE in 2010. Kazakhstan launched the National Human Rights Action Plan for 2009-2012. The Human Rights Action Plan is the first document of its kind in Central

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unconstitutional in February 2009 by the Constitutional Council. This decision was based primarily on the stipulation within the text that "the exercise of the freedom to practice one's religion and express one's beliefs can be restricted by the laws of Kazakhstan". This was a measure introduced by the Government of Kazakhstan to limit the freedoms of non-traditional religious groups. According to the Constitutional Council, this provision contradicted the constitution, which grants the freedom of conscience to everyone. (UNCLASSIFIED)

7. Kazakhstan's bicameral parliament consists of the Senate (upper house) and the Majilis (lower house). The Senate holds 47 seats; 15 of which are appointed by the President, and the other members are elected by local assemblies. The Majilis holds 107 seats; 9 of which are appointment by a presidentially-appointed advisory committee, and the remainder are popularly elected. The Law on Elections maintains that a political party needs to pass a 7% threshold of votes in an election to enter the Majilis. Given the inability for most political parties to reach the 7% threshold, they are not represented in parliament. According to official results, President Nazarbayev's Nur Otan party received 88% of votes in the 2007 parliamentary elections, winning every seat in the lower chamber. The 2008 United States Human Rights report notes that the 2007 elections fell short of international standards, particularly with respect to the legislative framework and the vote counting process. (UNCLASSIFIED)

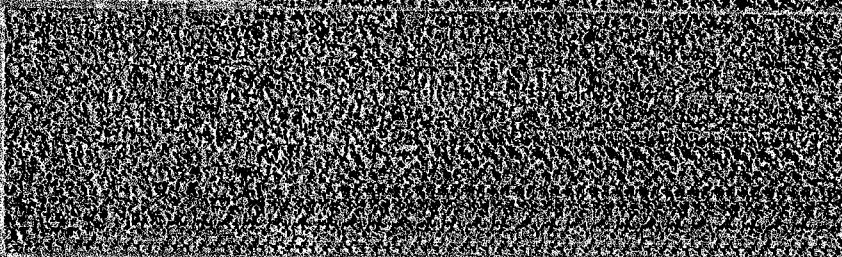
8. At the 2007 Madrid OSCE Ministerial, the Kazakhstani foreign minister made a number of commitments, in exchange for Kazakhstan's confirmation as the 2010 OSCE Chairman-in-Office, henceforth known as the "Madrid Commitments". The Madrid Commitments focus on bringing the electoral system, conditions for political parties, civil society cooperation and freedom of the press in accordance with international standards. In 2009, Kazakhstan passed amendments to the Law on Elections. Despite recommendations from the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), the amendment to the Law on Elections maintains the 7% threshold for political parties to enter the Majilis. Nonetheless, if only one party meets this requirement, the new law will allow the second party with the highest number of votes to participate, even if the 7% requirement is not met. This element is aimed at avoiding another single party Majilis in the 2011 elections. This development was important, particularly in the context of Kazakhstan's OSCE Chairmanship in 2010, demonstrating that progress has been made on the Madrid Commitments. (UNCLASSIFIED)

9. The 2009 Amendment to the Law on Political Parties reduces from 50,000 to 40,000 the number of signatures required for a political party to apply for registration. Nevertheless, ODIHR considers that the number of members required to register a political party remains high. Moreover, registration has been complicated by the need to form and register an organisational committee that subsequently proposes the registration of the party. (UNCLASSIFIED)

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Asia. It reveals gaps in the legislative base and law enforcement practices of the nation and sets the policy basis for improving human rights. Between January and December 2009 there were several new laws passed aimed at improving media freedoms, religious freedoms, countering domestic violence, protecting refugee and migrant labour rights, strengthening anti-corruption measures, bringing the penal system to international standards and eliminating gender discrimination. Kazakhstan hosted an EU delegation in Astana for a dialogue on human rights issues in fall 2009. (UNCLASSIFIED)

4. ~~THE GOVERNMENT OF KAZAKHSTAN HAS INTRODUCED AN~~ The government introduced an ambitious program of reform, which has produced a number of concrete results in the short time period between 2007 and 2009. Kazakhstan achieved a significant improvement in social and economic rights, with new measures introduced on an annual basis. Political and civil rights have improved, although continued progress and reform is required and the government will need to demonstrate its willingness to ensure that its reforms are implemented. ~~THE GOVERNMENT OF KAZAKHSTAN HAS INTRODUCED AN~~



II. OVERVIEW:

A. Legal and Institutional Structures:

5. The Constitution of the Republic of Kazakhstan is the supreme legal force in Kazakhstan and contains frameworks for the protection of human rights. Kazakhstan endorsed the universal principles of human rights contained in the Universal Declaration of Human Rights. According to the Kazakhstani Constitution, the bulk of power is concentrated within the presidency. This permits the president to control regional and local governments, including appointments of mayors and other political figures. It also allows the president to exercise considerable influence over the legislative and judicial processes. It should be noted that changes or amendments to the constitution require presidential consent. (UNCLASSIFIED)

6. A constitutional council exists. The role of the constitutional council is to rule on election and referendum challenges, to interpret the constitution, and to determine the constitutionality of laws adopted by parliament. It is important to note that Kazakhstani citizens have no right of appeal to the constitutional council. President Nazarbayev referred the amendment to the Law on Freedom of Religion and Religious Freedoms to the Constitutional Council at the beginning of 2009. The amendment was declared

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B. Political Context

14.

Kazakhstan is renowned for its ongoing advocacy of nuclear non proliferation, having opted to dispose of one of the world largest nuclear weapons arsenals after the fall of the Soviet Union. It will participate in the Global Initiative on Counter-Nuclear Terrorism to be held in Washington in 2010. Kazakhstan is the first Soviet successor state to assume the Chairmanship of the OSCE, despite protests from human rights groups such as Freedom House and Human Rights Watch, which claim that the country is not mature enough for such a task. (UNCLASSIFIED)

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16.

(CONFIDENTIAL)

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10. The 2009 Amendment to the Law on Media provides an opportunity for the media to appeal to the courts government decisions to disallow dissemination of information. The law now also states that citizens or corporate bodies no longer have the sole burden to prove that published information is correct. The amendment also removes the requirement for journalists to obtain governmental authorization before publishing or broadcasting interviews. The amendments also reduce the cumbersome requirements previously in place for registration of media outlets. The revised law also increases internet media maintain independence. (UNCLASSIFIED)

(UNCLASSIFIED)

11. In July 2009, Kazakhstan passed the "Law on the Internet" (Law on amendments to Legislative Acts on the Information-Communication Network). The law was seriously criticised, and on this occasion, protests from civil society, demarches carried out by the US, the EU and many OSCE Member States were not heeded. The law subjects all forms of internet content to the legislation on media. As such, internet media is subject to existing restrictive rules on expression, such as those on criminal libel. The law also makes the internet provider responsible for content that it hosts. (CONFIDENTIAL)

12. A number of parliamentary and governmental Human Rights Committees exist within Kazakhstan for review of specific human rights issues, including: the Committee for Religious Freedoms; the Committee on the Protection of Children's Rights; and the Committee on Migration. (UNCLASSIFIED)

13. The country has both a Human Rights Commission and an Ombudsman for Human Rights, under the title of Commissioner for Human Rights. The Ombudsman position was established in 2002 on the occasion of the 7th anniversary of the Kazakhstan Constitution.

The Ombudsman is appointed by the President of the Republic of Kazakhstan for a term of five years. The Ombudsman is not authorized to investigate complaints concerning the president, heads of government agencies, parliament, the cabinet, constitutional council, procurator general, Central Elections Committee, or courts. The Ombudsman's office has the authority to appeal to the president, cabinet, or parliament to resolve citizens' complaints, to cooperate with international human rights organizations and NGOs, to meet with government officials concerning human rights violations, to access certain facilities such as military units and prisons, and to publicize results of investigations in the media. (CONFIDENTIAL)

(CONFIDENTIAL)

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ii) Declared commitment of government to human rights and democratic principles:

17. On 5 May 2009, the National Human Rights Action Plan for the period of 2009-2012, based on the Baseline Report on Human Rights in Kazakhstan, was approved by President Nazarbayev. Approval of this document was a positive step, as it provides recommendations elaborated by the Government of Kazakhstan and establishes a clear timeline for implementation. While the plan is not legally binding, it does provide a solid basis for future engagement on the human rights situation. While the main objective of the plan is to determine the gaps between existing legislation and implementation by law enforcement agencies and other government offices, there are a number of supplementary recommendations. The plan urges the development of prioritised guidelines for work in the sphere of human rights protection that requires immediate coordinated action of all branches of government. It also proposes directing the attention of governmental agencies and the general public to unresolved human rights challenges in the country. Finally, the plan proposes that close coordination between the national systems for the protection of human rights and the international legal system. (UNCLASSIFIED)

18. Kazakhstan ratified more than 60 international agreements on human rights, and in 2009, it ratified the optional protocol to the International Covenant on Civil and Political Rights, which allows any citizen of Kazakhstan to report to the United Nations Human Rights Committee to denounce possible violations to the above-mentioned covenant. No cases have yet been put forward for consideration. (UNCLASSIFIED)

19. The Government of the Republic of Kazakhstan commits itself to full cooperation with international organisations such as the United Nations Commission for Refugees (UNHCR), the United Nations Development Program (UNDP), the International Committee of the Red Cross (ICRC), the Organisation for Security and Cooperation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights (ODIHR). The UN Special Rapporteur on Torture visited Kazakhstan in May 2009. (UNCLASSIFIED)

III. DESCRIPTION

A. Civil and Political Rights:

- Torture:

20. The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Manfred Nowak, paid a working visit to Kazakhstan in May 2009. Based on Nowak's report to the UN Human Rights Council, "the use of torture and ill-treatment certainly goes beyond isolated instances" and extreme methods are employed by the police, including beatings and asphyxiation, in order to obtain confessions. It was noted that courts generally do not heed complaints by the accused on alleged beatings and other mistreatment. The report also noted that while a law prohibiting torture exists in Kazakhstan, the definition of torture is narrow and does not meet international standards. Nowak also calls for the establishment of an independent body to investigate allegations of torture. The full report submitted by the

UN Special Rapporteur on Torture can be found online at: www.ohchr.org.
(UNCLASSIFIED)

21

(CONFIDENTIAL)

22

(CONFIDENTIAL)

23

(CONFIDENTIAL)

Independence of the Judiciary and Right to a Fair Trial:

24. According to Human Rights Watch, Amnesty International and the US State Department, the laws do not provide adequately for an independent judiciary, given that the executive branch limits judicial independence. The High Judicial Council, which is appointed by the President, suggests nominees for the Supreme Court to the President, who then recommends the list to the Senate for approval. For lower level judges, the High Judicial Council provides recommendations to the President, who then appoints judges directly. Corruption is alleged to exist at every stage of the judicial process. Judges are amongst the most highly-paid public servants, however, human rights groups claim that judges and other court officials sought bribes in exchange for favourable rulings in the majority of criminal cases. (UNCLASSIFIED)

25. Kazakhstani and international human rights groups argued that the four year sentence to Evgenyi Zhovtis for vehicular manslaughter was disproportionate to previous convictions for similar crimes.

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(UNCLASSIFIED)

Freedom of Speech and Media:

26. While the constitution allows for freedom of speech and media, the Government of Kazakhstan As previously mentioned, the law on internet introduced greater controls over internet-based media. Criminal libel cases by the government in 2009 led to the closure of media outlets and self-censorship. Mr. Ramazan Yesergepov, owner and editor of Alma-Ata, was found guilty of publishing secret government documents and was sentenced to three years in prison. His appeal in 2009 was denied and his original sentence upheld. A number of domestic and international NGOs reported an increase in the libel cases against journalists in 2009. In February 2009, the opposition newspaper "Taszhargan" was ordered by the Almaty court to pay a thirty million tenge libel fine (approx CAD 200,000) to a government parliamentarian for insulting his dignity. In September 2009, the widely popular "Respublika" newspaper was ordered to pay BTA Bank a sixty million tenge fine (approx CAD 400,000) for publishing articles that were alleged to tarnish its business reputation.

(UNCLASSIFIED)

Freedom of Religion:

27. Freedom of Religion is guaranteed within the Kazakhstani constitution. Moreover, Kazakhstan is a multiethnic country with a long tradition of tolerance and secularism. Russian Orthodox, Roman Catholic, Jewish and Muslim faiths are widely accepted within society and by the government. As previously mentioned in this report

Both Freedom House and Human Rights Watch have recommended that Kazakhstan extend an invitation to the Special Rapporteur on Freedom of Expression. (CONFIDENTIAL)

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Democratic Participation:

28.



(CONFIDENTIAL)

B. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Adequate Standard of Living:

29. Kazakhstan is considered a middle-income country. According to the 2008 World Bank country partnership progress report for Kazakhstan, the country enjoyed strong economic performance until mid-2007, when a banking crisis precipitated a fall in growth. This was followed in 2008 by falling world market prices for raw materials. Tentative signs of economic recovery were seen in 2009. Real Growth Domestic Product (GDP) averaged 9.6 % during the period of 2004-2007 and GDP per capita increased eightfold in the past ten years from US \$1,000 to US\$8,400 in 2010. These factors have contributed to a continual increase in the standard of living of the population. The level of the population living below the poverty line is 12% and the government needs to make more progress in supporting housing for low-income families. Kazakhstan receives a number of refugees from Afghanistan and other Central Asian countries. In 2009, the UNHCR reported that it received claims of refugees having to live in the streets due to the unavailability of affordable housing. (UNCLASSIFIED)

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[REDACTED]
(CONFIDENTIAL)

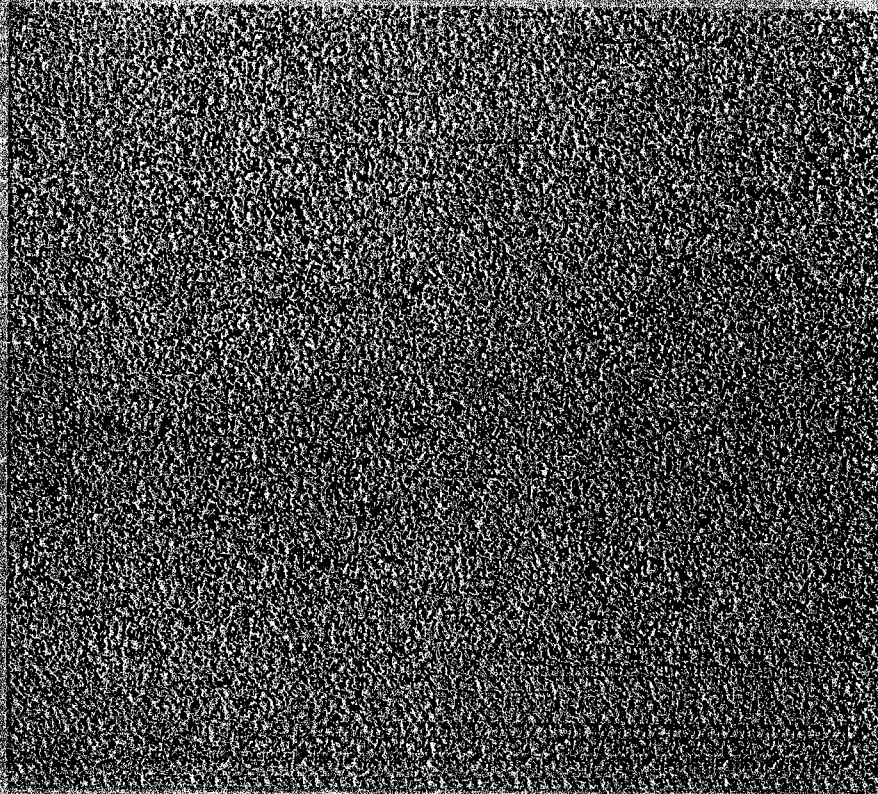
Trafficking of Persons:

35. Trafficking of persons remained a problem in 2009. The country is a source, transit, and destination country for victims of trafficking. [REDACTED]

[REDACTED]
The International Organization for Migration (IOM) estimated that nearly 200,000 Kazakhstani fall victim to trafficking annually, of which 76% were trafficked domestically. Adolescents raised in orphanages and residents of rural areas are particularly vulnerable. The Government of Kazakhstan adopted a National Plan to Combat Trafficking in Persons for 2010-11 aimed at tackling this issue. [REDACTED]

(UNCLASSIFIED)

IV. ANALYSIS



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Right to Highest Attainable Physical and Mental Health:

30. While the government is committed to providing a basic level of health care for its citizens, [REDACTED]
[REDACTED]
In 2009, UNICEF highlighted an incident that took place in Southern Kazakhstan in 2006, whereby 147 children were infected with HIV in pediatric hospitals, which resulted due to excessive treatment that exposed them to the infection. (UNCLASSIFIED)

C. EQUALITY AND DISCRIMINATION

Treatment of Women:

31. The National Commission on Women's Affairs and Family and Population was established in the Presidential Administration and has been examining issues related to women's rights for the past ten years. [REDACTED]

(CONFIDENTIAL)

32. Violence against women is a persistent problem. A joint submission by Kazakhstani NGOs on the occasion of the 2009 Universal Periodic Review of Kazakhstan reports that between 570-590 women and girls die of domestic violence and that 20,000 women and girls become victims of rape or sexual assault annually. The Law on Domestic Violence Counteraction was adopted in 2009 in order to raise awareness of this issue and to provide additional measures to law enforcement bodies to counter these abuses. (UNCLASSIFIED)

33. [REDACTED]

(CONFIDENTIAL)

Sexual Orientation:

34. Homosexuality was de-criminalized in Kazakhstan, although the [REDACTED]
[REDACTED]

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Kazakhstan 2005 Human Rights Report

Summary:

[REDACTED]

2. Report

Elections to Parliament in 2004 had been severely criticized by the OSCE, which made several suggestions for legislative and administrative improvements.

3.

[REDACTED]

4.

[REDACTED]

5. Nazarbayev has been named as a beneficiary by the defendant in a US prosecution of bribery of foreign officials, and discussion of this case in the Kazakh media is forbidden under a law against injuring the reputation of the President or his family.

Nazarbayev's daughter Dariga controls most media outlets and has been an outspoken supporter of prosecutions defending her and her family's business reputation. Several political internet sites are blocked in Kazakhstan.

6.

A law that would have restricted NGO activities was struck down, and

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are withheld pursuant to section
sont retenues en vertu de l'article

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of the Access to Information Act
de la Loi sur l'accès à l'information

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7. ~~There were several calls in 2005 by the Spiritual Directorate of Muslims and the Orthodox Church to have Islam and Orthodox Christianity declared "official" religions and their respective hierarchies empowered by the state to exercise a stronger oversight role.~~

~~[REDACTED]~~

8. ~~[REDACTED]~~

Drafted/released: Opgenorth (GSRP)

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NIELD Donna -AGH -c1 BB AH Cve

From: ALMAT -C4R
Sent: January 6, 2005 5:46 AM
To: EXTOTT -AGH -C4; EXTOTT -REE -C4; CIDA -C4R; Citizenship and Immigration -C4R
Cc: EXTOTT -RBD -C4; EXTOTT -DMA -C4; EXTOTT -AGA -C4; EXTOTT -AGC -C4; EXTOTT -AGP -C4; EXTOTT -EEA -C4; EXTOTT -EER -C4; EXTOTT -IDA -C4; EXTOTT -IDC -C4; EXTOTT -DR -C4; EXTOTT -ISI -C4; EXTOTT -SSAP -C4; GUIMOND Pierre -REU -C4; MASSOUD Habib -REE -C4; BECHARD Brad -AGH -C4; GENEV -C4R; PRMNY -GR -C4; WSHDC -GR -C4; WSHDC -WIBRD -C4; WSHDC -WIME -C4; Privy Council Office / IAS -C4R; Privy Council Office -C4R; VOSCE -C4; ALMAT -HOM -C4R
Subject: KAZAKHSTAN: Rapport annuel 2004 sur les droits de la personne

To: CIDA/CEE/RZD
CIDA/YHR
CIC/CBSA
CIC/SRE/RZ/RZTZ

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Aperçu

1. Le Kazakhstan a vécu en 2004 deux évolutions parallèles: du côté économique, la situation a continué à s'améliorer et le pays a enregistré un accroissement du PNB de 9% sur l'année précédente. [REDACTED] un accroissement et un enrichissement de la classe moyenne et par des augmentations des salaires et des pensions. Il reste que la situation diffère grandement entre les principales villes du pays et la campagne, où la vie continue à être dure dans beaucoup de cas. Malgré tout, l'électricité rejoint les coins les plus éloignés du pays, donnant un certain confort aux populations rurales, et les écoles - où garçons et filles se côtoient - continuent à fonctionner dans les villages.

2. [REDACTED] En début de 2004, le régime avait accepté la création officielle d'un parti d'opposition. [REDACTED] Le pouvoir avait aussi accepté la création d'un deuxième parti communiste. [REDACTED] Avec ces différentes mesures, douze partis politiques ont pu prendre part aux élections parlementaires de septembre.

3. La participation de représentants de partis politiques aux commissions électorales locales (participation variable selon les régions, toutefois) et [REDACTED] Le Président avait aussi établi un dialogue

[REDACTED]

9. À la fin de 2003, les prisons passaient sous le contrôle du ministère de la Justice. [REDACTED]

[REDACTED] Le Ministre de la Justice, en place depuis un peu plus d'un an, reconnaît lui-même les changements majeurs à apporter et il s'est d'ailleurs attaqué à nombre de problèmes au sein de son ministère. [REDACTED] De plus, il a entrepris de "professionnaliser" la police [REDACTED]

10. [REDACTED]

[REDACTED] L'OSCE travaille avec le gouvernement à changer graduellement cette situation et à professionnaliser davantage le milieu juridique. [REDACTED]

11. Si les droits économiques et sociaux des citoyens se sont améliorés, [REDACTED]

[REDACTED]

12. La discrimination à l'endroit de groupes vulnérables continue à exister. [REDACTED]

[REDACTED] De même, le nombre de drogués a continué à s'accroître, le territoire kazakhstanaïse étant un point de transit important entre l'Afghanistan et la Russie. [REDACTED]

13. [REDACTED]

[REDACTED] un grand

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politique entre les différentes forces, qui laissait présager une amélioration de la démocratisation politique du pays après les élections de septembre.

4. [REDACTED] (le principal parti d'opposition, Ak Zhol aurait obtenu plus de 30% des suffrages)

Malgré l'élection de plusieurs députés d'opposition, un seul député du parti Ak Zhol a été reconnu comme élu sur la liste de ce parti, mais il a refusé de prendre son siège. L'opposition a demandé l'annulation des résultats de l'élection, une requête refusée par le Président Nazarbaev.

5. [REDACTED]

6. En 2004, le Kazakhstan a aussi enregistré certaines améliorations au plan des droits de la personne.

Avant les élections de septembre, Mr. Zhakianov (président du parti DCK) a [REDACTED] quitté la prison mais pour un camp pénitencier au régime moins sévère.

7. [REDACTED] La presse d'opposition existe

8. Les ONG continuent à jouer un rôle important dans le pays.

Pages 24 to / à 218

**are withheld pursuant to section
sont retenues en vertu de l'article**

15(1) - International

**of the Access to Information Act
de la Loi sur l'accès à l'information**

nombre de Kirgyz et de Tadjiks travaillent, légalement ou illégalement, dans le pays sans profiter de droits et de protection légale. Le cas de nombreux Kirgyz travaillant pendant l'été dans des plantations kazakhs dans des conditions quasiment esclavagistes continue à faire les manchettes. Toutefois, le gouvernement a pris certaines mesures contre ce type de trafic humain. Une direction a toutefois été créée au Ministère de l'Intérieur pour lutter contre ce type de trafic.

14. Les principales religions Cependant, plusieurs individus ont été détenus pour avoir distribué de la littérature du mouvement politico-religieux musulman Hizb-ut-Tahrir, considéré au Kazakhstan comme un mouvement illégal terroriste. D'ailleurs, le Parlement, à la recommandation du gouvernement, a adopté au cours des derniers mois de 2004 une nouvelle Loi sur l'extrémisme.

Conclusion

15.

Démarches / interventions canadiennes

16.

3. Le président Nazarbaev a créé le Conseil Démocratique. Ce Conseil a tenu quelques séances dans les premiers mois de l'année.

4. Le président a organisé en octobre un Forum Civil, auquel 180 délégués d'ONG ont participé.

Le président Nazarbaev a quand même profité de la tenue du Forum pour annoncer le retrait d'une loi sur les ONG.

5. Deux lois, sur le processus électoral et sur les médias, sont présentement devant le Parlement. L'évolution de ces deux lois sont suivies de près. Certaines mesures, en particulier pour la loi sur les médias, sont fortement critiquées.

6. La loi sur l'enregistrement des partis politiques fut mise en application en janvier 2003 et.

DCK lancera bientôt un nouveau parti politique. Le parti de l'ancien premier ministre Kazhegeldin, le Parti républicain du peuple,

7. Les autres partis reconnus appuient tous ouvertement le président Nazarbaev. La fille de ce dernier, Dariga Nazarbaeva, vient elle aussi de créer un parti politique, Asar, en octobre et.

8. Les deux principaux chefs du parti DCK, Ablyazov et Zhaidanov, ont continué à purger leur peine de prison; l'ancien gouverneur Zhaidanov jusqu'à maintenant, le président lui ayant refusé son pardon; le président l'a toutefois accordé à l'ancien ministre Ablyazov, ce dernier ayant annoncé dès sa sortie de prison qu'il se retirait de la politique pour se consacrer exclusivement à ses affaires. Le journaliste Duvanov fut condamné à la prison dans les premiers mois de 2003, pour viol d'une mineure.

PM ~~12~~ 12:00 PM

s.15(1) - International

Rapport annuel 2003
sur les droits de la personne, le développement démocratique
et la bonne gouvernance au Kazakhstan

1. Le gouvernement du Kazakhstan a publié en novembre 2003 la déclaration que devait faire le président Nazarbaev devant le Conseil permanent de l'OSCE (<http://www.kazakhstan.gov.kz>). Dans cette déclaration, le président exprime la volonté de son pays de poursuivre son développement économique tout en assurant la sécurité de sa population et en promouvant la paix sociale, la tolérance, y compris la tolérance religieuse, les réformes démocratiques, l'indépendance des média et des élections plus transparentes.

Comment s'est déroulée l'année 2003 au Kazakhstan sous ces différents aspects touchant la démocratie, les droits de la personne et la bonne gouvernance ?

1

[REDACTED]

14.

cohabitent dans le pays.

Les principales religions

[REDACTED]

Commentaire

15.

[REDACTED]

Démarches / interventions canadiennes

16.

[REDACTED]

Rédaction: Marcel Cloutier
Consultation: Nira Shearer
Approbation: Hector Cowan

D'ailleurs, les procédures judiciaires suivies pendant son procès ont été condamnées par les observateurs et les représentants de l'OSCE. En octobre, le chef intérimaire du Parti républicain du peuple, Amirzhan Kosanov, était condamné à une année de probation et à une forte amende.

9.

Le fonctionnement de sites d'informations sur Internet considérés comme étant de l'opposition a été bloqué ou perturbé. Solidat, a été dans le collimateur des autorités.

Or, des dirigeants d'ONG ont indiqué à l'Ambassade avoir été approchés par des agents des services de sécurité pour qu'ils rejoignent le nouveau parti politique Asar (de la fille du président).

10. Des élections aux parlements locaux et régionaux se sont déroulées à l'automne, dans une atmosphère moins que démocratique.

Plusieurs plaintes de fraude ont été déposées par les candidats d'opposition.

Le fonctionnement des Commissions électorales est un thème important sur lequel se concentrent les partis d'opposition, en préparation des élections parlementaires nationales qui se dérouleront en octobre 2004.

11.

si une loi décriminalisant l'homosexualité a été passée.

La consommation de drogues et le nombre de drogués a continué à croître, le territoire kazakhstani étant un point de transit vers la Russie de la drogue en provenance d'Afghanistan.

12.

Le cas de nombre de Kyrgyz travaillant pendant l'été dans des plantations kazakhs dans des conditions quasiment esclavagistes a fait les manchettes dans la région d'Asie centrale à l'automne.

13. Si les droits économiques et sociaux des citoyens se sont légèrement améliorés et que le président a annoncé, dans ces secteurs, des améliorations marquées pour l'année 2004,

s.15(1) - International

s.10(1)

l'opposition, [REDACTED] a été arrêté [REDACTED]
[REDACTED] pour le viol d'une mineure, la veille de son
départ pour les États-Unis pour y recevoir une présentation spéciale reconnaissant son travail de
journaliste indépendant. Le procès de ce journaliste a débuté le 24 décembre. [REDACTED]

Concernant les instruments internationaux de promotion des droits, [REDACTED]
[REDACTED] le Kazakhstan n'a pas ratifié les
deux Protocoles de 1966 sur les Droits civils et politiques, et sur les Droits économiques, sociaux
et culturels.

Les ONG et les syndicats sont présents dans le pays. Les syndicats [REDACTED]

Le Kazakhstan est composé de plusieurs nationalités et si l'exode de minorités importantes
comme les Russes et les Allemands, a continué en 2002, les richesses naturelles du pays et sa
production agricole contribuent à l'augmentation d'immigrants de la sous-région. [REDACTED]

Les deux Chambres du Parlement (Mazhilis et Sénat) existent. [REDACTED]

[REDACTED] le Kazakhstan continue son
évolution plus vers une économie de marché. Le niveau de vie de la population s'accroît
graduellement, même s'il reste encore assez bas. Toutefois, les disparités entre riches et pauvres
s'accroissent sensiblement. Les pensionnaires sont probablement le secteur de la population le
plus touché. [REDACTED]

Les disparités sont nettement manifestes entre les populations des
campagnes et des villes, et entre celles des villes éloignées et des grandes villes comme Astana
(la capitale) et Almaty (la capitale économique). [REDACTED]

s.13(1)(a)

s.15(1) - International

s.19(1)

CONFIDENTIEL

préciser remettre à:
ACDI: Rivard/Couturier
BCP: Ausman/FDP Morissette/IAS
NDHQ: Sommerfeldt
VOSCE: Nolke

Rapport annuel 2002
sur les droits de la personne, le développement démocratique
et le bon gouvernement au Kazakhstan

Aperçu

L'année 2002 a été marquée par la création en septembre du poste d'Ombudsman. De plus, la fonction d'Ombudsman répond au Président du pays, comme le fait la Commission nationale sur les droits de la personne. Enfin, le transfert des prisons du ministère de l'Intérieur vers celui de la Justice est en vue.

Au plan politique, le gouvernement a fait passer en juillet une loi sur le ré-enregistrement des partis politiques. La nouvelle loi fixe le nombre de membres permettant l'enregistrement à 50,000 (c'est-à-dire un nombre au moins dix fois supérieur à ce qu'il était auparavant), de plus, pour qu'un parti puisse être enregistré, il doit aussi avoir un nombre minimal de membres dans chacune des provinces du pays. Les partis politiques doivent se ré-enregistrer avant le 19 janvier 2003. Ceux qui ne rempliront pas les conditions prescrites par la loi perdront alors leur statut de parti.

Trois élections partielles se sont déroulées le 28 décembre dans des régions éloignées du pays. La présence d'observateurs était très limitée.

Après le procès in absentia de l'ancien premier ministre Kazhegeldin en septembre 2001, procès contesté par la communauté internationale dont l'OSCE, et qui avait amené sa condamnation à 10 ans de prison, le régime a emprisonné en 2002 deux autres figures de l'opposition, qui sont les leaders du nouveau mouvement politique Choix Démocratique du Kazakhstan, sous l'accusation de corruption et détournements de fonds, et vient d'amorcer de nouvelles mesures contre un dirigeant d'opposition du parti de l'ancien premier ministre.

Au plan médiatique, de la presse écrite, de la radio et de la télévision,

et en octobre, un autre journaliste de

Pages 31 to / à 218

**are withheld pursuant to sections
sont retenues en vertu des articles**

13(1)(a), 15(1) - International, 21(1)(a)

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Cowman, Kathryn

From: Johnston, PatriciaA
Sent: February 27, 2013 02:45 PM
To: Ross, Ryan; DesJardins, Veronique
Subject: FW:

Patricia Johnston
Counsel
Canada Border Services Agency
613-954-7208

From: Johnston, PatriciaA
Sent: February 27, 2013 2:27 PM
To: Slatkoff, Ari (PSEPC-SPPCC)
Cc: Moore, Karen; Samson, Neal; 'Colton, Loretta'
Subject: RE:

Patricia Johnston
Department of Justice
Legal Counsel to Canada Border Services Agency
191 Laurier Ave West
Ottawa, ON K1A 0L8
tel: 613-954-7208

From: Colton, Loretta [<mailto:Loretta.Colton@justice.gc.ca>]
Sent: February 27, 2013 1:42 PM
To: Slatkoff, Ari (PSEPC-SPPCC)
Cc: Moore, Karen; Samson, Neal; Johnston, PatriciaA
Subject: RE:

Thanks,

Loretta Colton
Senior Counsel | Avocate conseil
National Litigation Coordination Team |
Équipe Nationale de coordination des litiges
Public Safety, Defence and Immigration Portfolio |
Portefeuille de la Sécurité publique, de la
Défense et de l'Immigration
Department of Justice | Ministère de la Justice
Government of Canada | Gouvernement du Canada
Tel: 613-948-1345/Fax: 613-957-7840
locolton@justice.gc.ca

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Thank you.

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Merci de votre collaboration.

From: Slatkoff, Ari (PSEPC-SPPCC)

Sent: 2013-Feb-26 12:49 PM

To: Moore, Karen; Howlett, Catherine (CBSA); Pilon, Claude (PSEPC-SPPCC)

Cc: Samson, Neal; Nesbitt, Scott (CBSA); Lefebvre, Manon (CBSA); Johnston, Patricia A. (CBSA); Ali, Kristen (PSEPC-SPPCC); Brender, James

Subject: RE:

Ari Slatkoff
Team Leader and Senior Counsel | Chef d'équipe et avocat-conseil
Public Safety Legal Services | Sécurité publique services juridiques
Department of Justice Canada | Ministère de la Justice Canada
269 Laurier Street West, 16B-2700 | 269, rue Laurier ouest, 16B-2700
Ottawa (Ontario) K1A 0P8
ari.slatkoff@ps-sp.gc.ca
Telephone | Téléphone (613) 991-2882
Facsimile | Télécopieur (613) 990-8307
Government of Canada | Gouvernement du Canada

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From: Moore, Karen [<mailto:Karen.Moore@justice.gc.ca>]
Sent: February-25-13 10:12 AM
To: Howlett, Catherine (CBSA); Slatkoff, Ari; Pilon, Claude
Cc: Samson, Neal; Nesbitt, Scott (CBSA); Lefebvre, Manon (CBSA); Johnston, Patricia A. (CBSA)
Subject: FW:
Importance: High

Dear Colleagues,

Many thanks,

Karen

Protected – Solicitor-Client Privilege

From: Colton, Loretta
Sent: 2013-Feb-22 4:38 PM
To: 'Johnston, PatriciaA'; Nesbitt, Scott (CBSA); Lefebvre, Manon (CBSA)
Cc: Todd, James; Samson, Neal; Moore, Karen
Subject:

Hi everyone,

Thanks very much,

Loretta

Loretta Colton
Senior Counsel | Avocate conseil
National Litigation Coordination Team |
Équipe Nationale de coordination des litiges
Public Safety, Defence and Immigration Portfolio |
Portefeuille de la Sécurité publique, de la
Défense et de l'Immigration
Department of Justice | Ministère de la Justice
Government of Canada | Gouvernement du Canada
Tel: 613-948-1345/Fax: 613-957-7840
locolton@justice.gc.ca

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Thank you.

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Merci de votre collaboration.

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: April 16, 2013 04:05 PM
To: DesJardins, Veronique
Cc: Ross, Ryan; Johnston, PatriciaA
Subject: Tursunbayev Litigation

Privileged (Solicitor Client)

Document protected by solicitor-client privilege: Do not disclose/ Document protégé par le privilège du secret professionnel de l'avocat : ne divulguez pas

Kareena R. Wilding
Counsel/Avocate
Immigration Law Division / Division du droit de l'immigration
Department of Justice Canada / Ministère de la Justice du Canada
Ontario Regional Office / Bureau régional de l'Ontario
130 King Street West, Suite 1900, Box 36 | 130, rue King Ouest, Pièce 1900, C.P. 36
Toronto, Ontario M5X 1K6
Government of Canada / Gouvernement du Canada
Tel./tél: (416) 952-6812
Fax /télé: (416) 954-8982
kareena.wilding@justice.gc.ca

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: April 17, 2013 05:19 PM
To: DesJardins, Veronique; Johnston, PatriciaA; Samson, Neal
Cc: Bayley, Deborah (DFAIT); Todd, James; Ross, Ryan; Yurka, Dale; Bourke, Andrea
Subject:

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Kareena R. Wilding
Counsel/Avocate
Immigration Law Division / Division du droit de l'immigration
Department of Justice Canada / Ministère de la Justice du Canada
Ontario Regional Office / Bureau régional de l'Ontario
130 King Street West, Suite 1900, Box 36 | 130, rue King Ouest, Pièce 1900, C.P. 36
Toronto, Ontario M5X 1K6
Government of Canada / Gouvernement du Canada
Tel./tél: (416) 952-6812
Fax /téléc: (416) 954-8982
kareena.wilding@justice.gc.ca

Cowman, Kathryn

From: Wilding, Kareena <Kareena.Wilding@justice.gc.ca>
Sent: May 2, 2013 04:20 PM
To: Todd, James; Ross, Ryan; Johnston, PatriciaA; Bayley, Deborah (DFAIT); Samson, Neal
Cc: Yurka, Dale; Bourke, Andrea; DesJardins, Veronique; * Toronto - Immigration
Tursunbayev
Subject:
Attachments: Document.pdf
Importance: High

Privileged (Solicitor Client)

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

-----Original Message-----

From: Ahmed, Imrana [mailto:Imrana.Ahmed@cas-satj.gc.ca]
Sent: May 2, 2013 4:10 PM
To: Wilding, Kareena; lorne@lornewaldman.ca; Joseph Heller; Stefanovic, Marina
Subject: FW:

Good Afternoon,

Please find attached the decision rendered by Justice Russell today on the above noted motion. Thanks!

Please confirm receipt of this Order. Thanks!

Imrana Ahmed
Registry Officer
Courts Administration Services
Toronto Regional Office
416-973-2145
imrana.ahmed@cas-satj.gc.ca

-----Original Message-----

From: Scanner [mailto:scan-doc@cas-satj.gc.ca]
Sent: May 2, 2013 4:55 PM
To: Ahmed, Imrana
Subject:

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Federal Court



Cour fédérale

Date: 20130502

**Dockets: IMM-2220-12
IMM-2223-12
IMM-2224-12
IMM-2226-12
IMM-6259-12**

Toronto, Ontario, May 2, 2013

PRESENT: The Honourable Mr. Justice Russell

Docket: IMM-2220-12

BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

Docket: IMM-2223-12

AND BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

Docket: IMM-2224-12

AND BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

Docket: IMM-2226-12

AND BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

Docket: IMM-6259-12

AND BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS,
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondents

ORDER

UPON motion by the Applicant pursuant to rule 91 (2)(c) of the *Federal Courts Rules*, SOR/98-106, and pursuant to the *Federal Courts Immigration and Refugee Protection Rules*, SOR/93-22, for an order directing the Respondents to disclose the full unredacted version of the

Department of Foreign Affairs and International Trade (DFAIT) Annual Human Rights Report (Short): Kazakhstan, dated March 29, 2012 [Report] referred to by CBSA Officer Mark Bond during the course of his cross-examination on his affidavit filed in the underlying motion for confidentiality, conducted on December 6 and 12, 2012;

AND UPON reading and reviewing all materials filed and hearing counsel on behalf of the Applicant and the Respondents;

AND UPON noting, concluding and finding as follows:

1. In the present motion the issue of relevance under rule 91(2)(c) must be assessed against the underlying confidentiality motion brought by the Applicant and Officer Bond's affidavit, and not the decisions or matters that constitute the basis for the judicial review applications;
2. In my view, the Report is relevant to the Applicant's confidentiality motion because it speaks to the risk that the proposed affiants in that motion face if their affidavits are not kept confidential, and issues related to information sharing that were raised through the affidavits of Officer Bond;
3. The Report addressed the human rights situation in Kazakhstan and the redactions prevented the Applicant from knowing what the Report discloses on the key issues of risk to life, liberty and security of the proposed affiants in the confidentiality motion, as well as issues raised in Officer Bond's affidavits about information sharing. Hence, an unredacted version of the

Report should be produced subject to whatever confidentiality protections Respondents may propose and the Court may allow.

THIS COURT ORDERS that:

1. The Respondents will produce an unredacted version of the Report, subject to whatever confidentiality protections the Respondents may propose and the Court may allow.

"James Russell"

Judge

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the _____

day of MAY 2 - 2013 A.D. 20____

Dated this _____ day of MAY 2 - 2013



IMRANA AHMED
Registry Officer
Agent du greffe

Cowman, Kathryn

From: Johnston, PatriciaA
Sent: May 9, 2013 12:23 PM
To: DesJardins, Veronique
Cc: Ross, Ryan
Subject:

Patricia Johnston
Department of Justice
Legal Counsel to Canada Border Services Agency
191 Laurier Ave West
Ottawa, ON K1A 0L8
tel: 613-954-7208

Cowman, Kathryn

From: Todd, James <James.Todd@justice.gc.ca>
Sent: May 15, 2013 03:38 PM
To: Moore, Karen; Colton, Loretta; Samson, Neal; DesJardins, Veronique
Cc: Mendelzon, Manuel; Johnston, PatriciaA; Bayley, Deborah (DFAIT)
Subject:

Attachments: Document.pdf

Importance: High

Jamie Todd

Senior Counsel | avocat-conseil

Ontario Regional Office | Bureau régional de l'Ontario

Department of Justice Canada | Ministère de la Justice Canada

The Exchange Tower | La tour exchange

130 King Street West, Suite 3400, Box 36 | 130, rue King Ouest, piece 3400, C.P. 36

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DOCUMENT PROTÉGÉ par le secret professionnel de l'avocat - Ce document fait l'objet d'une exception de communication prévue par les Lois sur l'accès à l'information et sur la protection des renseignements personnels

-----Original Message-----

From: Wilding, Kareena

Sent: May 2, 2013 4:20 PM

To: Todd, James; Ross, Ryan; Johnston, Patricia A. (CBSA); Bayley, Deborah (DFAIT); Samson, Neal

Cc: Yurka, Dale; Bourke, Andrea; 'DesJardins, Veronique'; * Toronto - Immigration Tursunbayev

Subject:

Importance: High

Privileged (Solicitor Client)

Kareena R. Wilding, Counsel
Immigration Law Division
Department of Justice
Tel./fax: (416) 952-6812/954-8982

-----Original Message-----

From: Ahmed, Imrana [mailto:Imrana.Ahmed@cas-satj.gc.ca]

Sent: May 2, 2013 4:10 PM

To: Wilding, Kareena; lorne@lornewaldman.ca; Joseph Heller; Stefanovic, Marina

Subject: FW:

Good Afternoon,

Please find attached the decision rendered by Justice Russell today on the above noted motion. Thanks!

Please confirm receipt of this Order. Thanks!

Imrana Ahmed
Registry Officer
Courts Administration Services
Toronto Regional Office
416-973-2145
imrana.ahmed@cas-satj.gc.ca

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From: Scanner [mailto:scan-doc@cas-satj.gc.ca]
Sent: May 2, 2013 4:55 PM
To: Ahmed, Imrana
Subject:

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Federal Court



Cour fédérale

Date: 20130502

**Dockets: IMM-2220-12
IMM-2223-12
IMM-2224-12
IMM-2226-12
IMM-6259-12**

Toronto, Ontario, May 2, 2013

PRESENT: The Honourable Mr. Justice Russell

Docket: IMM-2220-12

BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

Docket: IMM-2223-12

AND BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

Docket: IMM-2224-12

AND BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

Docket: IMM-2226-12

AND BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS**

Respondent

Docket: IMM-6259-12

AND BETWEEN:

RUSTEM TURSUNBAYEV

Applicant

and

**THE MINISTER OF PUBLIC SAFETY AND
EMERGENCY PREPAREDNESS,
THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondents

ORDER

UPON motion by the Applicant pursuant to rule 91 (2)(c) of the *Federal Courts Rules*, SOR/98-106, and pursuant to the *Federal Courts Immigration and Refugee Protection Rules*, SOR/93-22, for an order directing the Respondents to disclose the full unredacted version of the

Department of Foreign Affairs and International Trade (DFAIT) Annual Human Rights Report (Short): Kazakhstan, dated March 29, 2012 [Report] referred to by CBSA Officer Mark Bond during the course of his cross-examination on his affidavit filed in the underlying motion for confidentiality, conducted on December 6 and 12, 2012;

AND UPON reading and reviewing all materials filed and hearing counsel on behalf of the Applicant and the Respondents;

AND UPON noting, concluding and finding as follows:

1. In the present motion the issue of relevance under rule 91(2)(c) must be assessed against the underlying confidentiality motion brought by the Applicant and Officer Bond's affidavit, and not the decisions or matters that constitute the basis for the judicial review applications;
2. In my view, the Report is relevant to the Applicant's confidentiality motion because it speaks to the risk that the proposed affiants in that motion face if their affidavits are not kept confidential, and issues related to information sharing that were raised through the affidavits of Officer Bond;
3. The Report addressed the human rights situation in Kazakhstan and the redactions prevented the Applicant from knowing what the Report discloses on the key issues of risk to life, liberty and security of the proposed affiants in the confidentiality motion, as well as issues raised in Officer Bond's affidavits about information sharing. Hence, an unredacted version of the

Report should be produced subject to whatever confidentiality protections Respondents may propose and the Court may allow.

THIS COURT ORDERS that:

1. The Respondents will produce an unredacted version of the Report, subject to whatever confidentiality protections the Respondents may propose and the Court may allow.

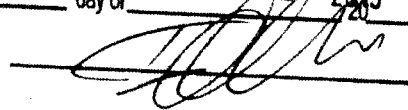
"James Russell"

Judge

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the _____

day of MAY 2 - 2013 A.D. 20____

Dated this _____ day of MAY 2 - 2013



IMRANA AHMED
Registry Officer
Agent du greffe

Cowman, Kathryn

From: Johnston, PatriciaA
Sent: May 31, 2013 09:21 AM
To: DesJardins, Veronique
Subject: FW:

DO NOT DISCLOSE - LITIGATION AND/OR SOLICITOR CLIENT PRIVILEGE
--PROTECTED B--

Exempt from disclosure under the *Access to Information Act* and *Privacy Act*

Patricia Johnston
Department of Justice
Legal Counsel to Canada Border Services Agency
191 Laurier Ave West
Ottawa, ON K1A 0L8
tel: 613-954-7208

From: Johnston, PatriciaA
Sent: May 31, 2013 9:19 AM
To: Moore, Karen (Karen.Moore@justice.gc.ca)
Cc: Colton, Loretta (Loretta.Colton@justice.gc.ca); 'Samson, Neal'; Wilding, Kareena (Kareena.Wilding@justice.gc.ca)
Subject: FW:

DO NOT DISCLOSE - LITIGATION AND/OR SOLICITOR CLIENT PRIVILEGE
--PROTECTED B--

Exempt from disclosure under the *Access to Information Act* and *Privacy Act*

Patricia Johnston
Department of Justice
Legal Counsel to Canada Border Services Agency
191 Laurier Ave West

Ottawa, ON K1A 0L8
tel: 613-954-7208

From: Wilding, Kareena [<mailto:Kareena.Wilding@justice.gc.ca>]
Sent: May 31, 2013 9:01 AM
To: Johnston, PatriciaA
Subject: Re:

From: Johnston, PatriciaA [<mailto:Patricia.Johnston2@cbsa-asfc.gc.ca>]
Sent: Thursday, May 30, 2013 09:26 PM
To: Wilding, Kareena
Cc: Colton, Loretta; Samson, Neal; Moore, Karen
Subject: Fw:

Patricia Johnston
Department of Justice
613-954-7208

Sent from my BlackBerry handheld.
Envoyé à partir de mon BlackBerry.

From: Johnston, PatriciaA
Sent: Thursday, May 30, 2013 08:58 PM Eastern Standard Time
To: 'Karen.Moore@justice.gc.ca' <Karen.Moore@justice.gc.ca>

Cc: 'Loretta.Colton@justice.gc.ca' <Loretta.Colton@justice.gc.ca>; 'Neal.Samson@justice.gc.ca' <Neal.Samson@justice.gc.ca>
Subject: Re:

Patricia Johnston
Department of Justice
613-954-7208

Sent from my BlackBerry handheld.
Envoyé à partir de mon BlackBerry.

From: Moore, Karen [<mailto:Karen.Moore@justice.gc.ca>]
Sent: Thursday, May 30, 2013 05:21 PM Eastern Standard Time
To: Johnston, PatriciaA
Cc: Colton, Loretta <Loretta.Colton@justice.gc.ca>; Samson, Neal <Neal.Samson@justice.gc.ca>
Subject:

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Sentez-vous bien libre de me répondre dans la langue officielle de votre choix. / Please feel free to respond in the official language of your choice.

Cowman, Kathryn

From: Kramer, Susan
Sent: June 3, 2013 06:19 PM
To: Leroux, Marianne; DesJardins, Veronique
Subject: FW:

Susan Kramer
Director, Inland Enforcement Operations and Case Management
Operations Branch
Canada Border Services Agency

Directrice, Opérations relatives à l'exécution de la loi intérieure et gestion de cas
Direction générale des opérations
Agence des services frontaliers du Canada

(613) 952-2549
susan.kramer@cbsa-asfc.gc.ca

From: Davies, John [mailto:John.Davies@ps-sp.gc.ca]
Sent: June-03-13 4:48 PM
To: 'Moore, Karen'
Cc: Labrie, Louise; Todd, James; Bayley, Deborah; Fobes, Caroline; Kramer, Susan; Brender, James; Banerjee, Ritu
Subject: RE:

John

From: Moore, Karen [<mailto:Karen.Moore@justice.gc.ca>]

Sent: June-03-13 1:24 PM

To: Davies, John

Cc: Labrie, Louise; Todd, James; Bayley, Deborah; Fobes, Caroline; 'Kramer, Susan'

Subject:

Importance: High

Dear John,

Kind regards,

Karen

Protected – Solicitor-Client Privilege

Sentez-vous bien libre de me répondre dans la langue officielle de votre choix. / Please feel free to respond in the official language of your choice.